

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

**REGINALD DANIELS,**

**Plaintiff,**

**v.**

**Civil Action No. 14-10609**

**HON. DENISE PAGE HOOD**

**BENNY NAPOLEON, et al.,**

**Defendants.**

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**ORDER ACCEPTING REPORT AND RECOMMENDATION**  
**and**  
**ORDER DISMISSING ACTION**

This matter is before the Court on Magistrate Judge David R. Grand's Report and Recommendation filed August 15, 2014 (**Doc. No. 24**). No Objections to the Report and Recommendation were filed by Plaintiff Reginald Daniels or any of the Defendants.

The standard of review by the district court when examining a Report and Recommendation is set forth in 28 U.S.C. § 636. This Court "shall make a *de novo* determination of those portions of the report or the specified proposed findings or recommendations to which an objection is made." 28 U.S.C. § 636(B)(1)(c). The Court "may accept, reject or modify, in whole or in part, the findings or recommendations made by the Magistrate." *Id.* In order to preserve the right to appeal the Magistrate Judge's recommendation, a party must file objections to the Report and

Recommendation within fourteen (14) days of service of the Report and Recommendation. Fed. R. Civ. P 72(b)(2). Failure to file specific objections constitutes a waiver of any further right of appeal. *Thomas v. Arn*, 474 U.S. 140 (1985); *Howard v. Secretary of Health and Human Servs.*, 932 F.2d 505 (6th Cir. 1991); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981). As Plaintiff filed the complaint *pro se*, the Court will interpret his pleadings liberally. *Hughes v. Rowe*, 499 U.S. 5, 9 (1980); *Haines v. Kerner*, 404 U.S. 519, 520-21 (1972).

After review of the Magistrate Judge's Report and Recommendation, the finds that the Magistrate Judge's findings and conclusions of law are correct. The Court agrees with the Magistrate Judge that Plaintiff has failed to prosecute this case and failed to comply with the Magistrate Judge's Order to Show Cause. Dismissal with prejudice is appropriate under Rule 41(b) of the Rules of Civil Procedure.

Accordingly,

IT IS ORDERED that the Report and Recommendation (**Doc. No. 24**) is ACCEPTED and ADOPTED as this Court's findings of fact and conclusions of law.

IT IS FURTHER ORDERED that Defendants' Motion to Dismiss (**Doc. No. 21**) is DENIED as MOOT.

IT IS FURTHER ORDERED that this Complaint is DISMISSED with prejudice.

IT IS FURTHER ORDERED and certified that any appeal from this decision would be frivolous and not taken in good faith. An appeal may not be taken *in forma pauperis* under 28 U.S.C. § 1915(a)(3); *Coppedge v. United States*, 369 U.S. 438, 445 (1962), *McGore v. Wrigglesworth*, 114 F.3d 601, 610-11 (6th Cir. 1997)(overruled on other grounds by *Jones v. Bock*, 549 U.S. 199 (2007)).

s/Denise Page Hood  
DENISE PAGE HOOD  
United States District Judge

DATED: November 24, 2014

**Proof of Service**

The undersigned certifies that a copy of the foregoing **Order Accepting Report and Recommendation and Dismissing Action** was served on the attorneys and parties of record herein by electronic means or U.S. Mail on November 24, 2014.

s/Kim Grimes  
Acting in the Absence of  
LaShawn Saulsberry, Case Manager